

10 July 2015

John Childs Consultants Limited  
PO Box 46015  
Herne Bay  
Auckland 1147

Dear Sir/Madam

**RESOURCE CONSENT APPLICATION – ADVICE OF DECISION**

Application Number(s):	R/LUC/2015/940
Applicant:	S G Lockwood
Proposed Activity(s):	To construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area.
Address:	15 Cremorne Street, Herne Bay, Auckland 1011

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council Plan (Auckland City Isthmus Plan), a decision has been made to approve your application.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent. For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions - Central, Auckland Council at 35 Graham Street, Auckland. Information on "The Objection Process" can be found on our website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz) (select 'Rates, building and property', 'Consents' and then, under the green heading 'Resource Consents', select 'Conditions, appeals and objections').

Information on the appeal process can be found on the Environment Court website [www.justice.govt.nz/courts/environment-court](http://www.justice.govt.nz/courts/environment-court).

A final invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in the conditions of your consent.

If you have any queries, please contact Hester Gerber, by phone 09 353 9468 or email [hester.gerber@aucklandcouncil.govt.nz](mailto:hester.gerber@aucklandcouncil.govt.nz), and quote the application number above.

Yours faithfully,



Emerald James  
Resource Consents Administrator  
Central Resource Consenting and Compliance

## Resource Consent Notice of Works Starting

Please email this form to [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) at least 14 days prior to work starting on your development or post it to the address at the bottom of the page.

<b>Site address:</b> 15 Cremorne Street, Herne Bay, Auckland 1011				
<b>AREA (please tick the box)</b>	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
<b>Resource consent number:</b> R/LUC/2015/940			<b>Associated building consent:</b>	
<b>Expected start date of work:</b>			<b>Expected duration of work:</b>	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

<b>Signature:</b> Owner / Project Manager (indicate which)	<b>Date:</b>
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Once you have been contacted by the monitoring inspector, all correspondence should be sent directly to them.

### SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent monitoring inspector on 09 301 0101 to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

# Decision on an Application for a Resource Consent under the Resource Management Act 1991



**Application Number(s):** R/LUC/2015/940

**Applicant's Name:** Stephen Graham Lockwood

**Site Address:** 15 Cremorne Street, Herne Bay

**Legal Description:** Lot 1 DP 208893, Lot 39 DP 2746 and Lot 1-2 DP 212064

**Proposal:** To construct a helicopter pad and operate a domestic helicopter of not more than 2 flights per week within the Residential 2b Zone and Coastal Management Area.

**Activity Status:** Non-complying

This requires resource consent for the following reasons:

Land use consents (s9) – R/LUC/2015/940

## Operative Plan

- The applicant proposes to establish a helicopter pad on their property in the residential 2b zone. Pursuant to Rules 12.9.3.3 and 4A.1A ii(a), the landing and taking off of helicopters is not permitted activity in any part of the city and therefore requires a **non-complying** activity resource consent.

Overall the application is a **non-complying** activity.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 104D, 108 and Part 2 of the Resource Management Act 1991, this application is **GRANTED**.

## Reasons

Under section 113 of the RMA the reasons for this decision are:

- In terms of section 104(1)(a) of the Resource Management Act 1991, the proposed development may result in actual and potential effects on the environment. In particular, the installation of a helicopter pad, with associated domestic helicopter use will have some effect on the visual amenity of the coastal and residential environment. Having regard to the existing site circumstances, the proposed development and any mitigation, the actual and potential adverse effects of the proposal will be mitigated or avoided for the following reasons:
  - The helicopter pad cannot be seen from the coastal environment, surrounding residential properties or the street frontage due to sufficient screening in the form of the existing dwelling, mature vegetation and topography of the site and will have a minimal visual impact on the surrounding and wider coastal/residential environment;
  - The construction of a helicopter pad and operation of a domestic helicopter with two flights per week, and no more than one flight per day during daylight hours only within the Residential 2b Zone will have a less than minor effect on the surrounding environment. Any potential adverse noise and visual effects will be short term in duration, due to the limited amount of flights proposed each week and day; and
  - The noise levels generated by the helicopter will not exceed a level of 50dBA  $L_{dn}$  at the notional boundary (excluding those persons/property owners/occupiers who have given their written approval to the proposal).

In accordance with an assessment under s104(1)(a) of the Resource Management Act the actual and potential adverse effects from the proposal will be less than minor.

It should also be noted that the proposed activity will allow for an alternate means of transport to be used within a residential environment that suits the needs and wants of the occupants, to travel to other residential properties within the Hauraki Gulf.

- In terms of section 104(1)(b) of the Resource Management Act 1991, the proposal is generally consistent with the relevant policy statements and plans or proposed plans, including the relevant provisions of:

Auckland Council Regional Plan: Coastal

The relevant objectives and policies of the Auckland Council Regional Plan: Coastal are found in *Section 35, Noise; Clause 35.3.1 and 35.4.2*. These set out to ensure that noise emitted from an activity do not adversely affect the social well-being and amenity of the coastal marine area.

The proposed development is in keeping with the objectives and policies of this area, as the activity itself provides for an approved level of noise of 50dBA  $L_{dn}$  at the notional boundary of the site.

The Regional Policy Statement

The relevant objectives and policies of the Regional Policy Statement are found in *Chapter 7, sections 7.3(1); (2) and (3) and 7.4.1(i)*. The proposal is generally consistent with the above objectives and policies as the proposal will still retain and preserve the natural attributes of the coastal environment.

## Auckland Council Isthmus District Plan

### Clause 7.3.2; 7.3.4 and 7.6.2.1 - Residential 2b Zone Objectives and Policies

The proposal is consistent with the objective and policies of the Residential and Residential 2b zone under the Operative District Plan (Isthmus Section) as the proposal will maintain the architectural attributes and landscape qualities of the surrounding residential environment.

No structures, earthworks or vegetation is required to be removed as part of the proposed works, and existing screening in the form of the dwelling, and mature vegetation will shield the proposed helipad from adjoining residential properties, therefore maintaining the amenity of the area.

### Clause 5B.4.1 and 5b.4.2 – Coastal Management Area Objectives and Policies

The objectives and policies of the coastal management area seek to conserve, protect and enhance the natural and physical resources of the coastal environment. By ensuring any development within this area, still protects and maintains the significant landform of the area in addition to scenic and heritage values.

The proposed helicopter pad will maintain the character and amenity values of the coastal environment. The helipad cannot be seen from the coast, due to the elevated site; and mature trees shielding the proposal.

Further no additional structures are proposed, (except for the helicopter pad itself), and no earthworks or vegetation will be removed as part of the works.

Overall, taking the above into account it is considered the proposal is consistent with the objectives and policies of the coastal management area.

### Clause 12.9.3.1 Helicopters Objectives and Policies

The relevant objectives and policies of the Auckland Council District Plan pertaining to Helicopters are contained in *Clause 12.9.3.1 (Helicopters)*. The objectives and policies set out to ensure that helicopter facilities are compatible with the surrounding environment in which they are located and maintain the amenity of that area. The potential environmental impacts of the facility must be fully assessed, in addition to restricting the location of some of these facilities and imposing noise controls.

The proposed location of the helipad is located a sufficient distance away from residential site boundaries, and cannot be seen due to existing buildings and mature vegetation that will shield the proposed facility from adjoining sites. Further the landing and departure of the helicopter will be across the Waitemata Harbour only, without the need to cross residential properties. The proposed limitations on amount of flights and time of day will assist in mitigating any potential adverse noise effects. As such, it is considered the proposal is consistent with the objectives and policies relating to helicopters.

## Proposed Auckland Unitary Plan (PAUP)

### Part 2 Chapter D, Clause 1.1.4 Single House Zone

Under the Proposed Auckland Unitary Plan, the proposed development is consistent with the objective and policies of the Single House Zone as the proposal will maintain the residential amenity of the area.

Clause 5.1.5.1.15(3) General Coastal Marine Objectives and Policies

The objectives and policies of the General Coastal Marine Zone allow for structures and activities within the Coastal area provided the structures are appropriately located and designed to minimise adverse effects of the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua Values of the Coastal Marine Area.

The proposed development will not adversely affect any of those elements outlined above, due to the location of the proposal and no earthworks or vegetation is proposed to be removed. In addition only two flights are proposed per week, and any potential adverse effects from the activity itself will be short term in nature.

The proposed development meets the requirements of the Proposed Auckland Council Unitary Plan, as there are no matters at this time that require consent under the operative provisions.

The assessments under the different plans do not result in different outcomes. Therefore, it is not necessary to undertake a weighting exercise in this instance.

- In accordance with an assessment under s104(1)(c) of the Resource Management Act the following other matter is appropriate to take in to account. Monitoring of the consent is necessary to ensure the proposal is undertaken in accordance with the application to ensure effects are not created beyond those assessed.
- In terms of s104D(1)(a) of the Resource Management Act, the potential adverse effects of the proposal are considered to be no more than minor, as no flights will occur over the residential properties, and the proposed heliport cannot be seen from the coastal nor residential environment. The noise from the proposed activity is also considered to be an acceptable level when in operation at the notional boundary of the subject property.

In terms of s104D(1)(b) of the Resource Management Act and as outlined above the proposal is considered to be generally consistent with the objectives and policies of the Auckland Council Isthmus Plan and the Proposed Auckland Council Unitary Plan.

In terms of section 104D(1)(a) and (b) it is considered that the proposal meets both the relevant test in that adverse effects as a result of the proposal will be no more than minor and that the proposal will not be contrary to the relevant objectives and policies of the applicable zones under both the operative district plan and the PAUP and that consent can be granted.

- In terms of Part 2, section 5 the proposal achieves the purpose of the RMA, being the sustainable management of natural and physical resources, by providing for the provision of a heliport on the site and within the coastal management area, without adversely affecting the environment.

Having regard to the effects of the proposal and relevant statutory documents the proposal is an acceptable form of development.

## **Conditions**

Under section 108 of the RMA, this consent is subject to the following conditions:

## General Conditions

1. The activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number R/LUC/2015/940.
2. Application Form, and Assessment of Effects prepared by John Childs Consultants Ltd titled "15 Cremorne Street, Herne Bay", dated 17 March 2015.

Drawing reference (Sheet)	Title	Architect / Author	Dated
Figure 1.	<i>Flight Path</i>		17.03.15

- Assessment of Noise Effects Report, by Nevil Hegley, March 2104.
  - Part 157 Aeronautical Study, Construct Lockwood Helipad Auckland, Advanced Flight Limited, CAA Client 50568, by Peter White, Aeronautical services Officer, Civil Aviation Authority of New Zealand, dated 11 March 2015.
  - 29.06.15 email received confirming that two flights will occur each week, and only one flight will occur in any twenty-four hour period.
3. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
    - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
    - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
  4. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.
  5. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
    - a. The consent is given effect to; or
    - b. The Council extends the period after which the consent lapses.
  6. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$565 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

*Compliance with the consent conditions will be monitored by Council (in accordance with section 35(d) of the RMA). The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.*

7. The consent holder shall ensure that the use of the landing area on the site to which this consent applies for helicopter operations shall not exceed a noise limit of Ldn 50dBA when measured at or within the boundary of any adjacent dwelling (excluding any dwelling where written approval has been provided);
8. All flights shall be restricted to the hours of 7:00am – 10:00pm each day or between Morning Civil Twilight and Evening Civil Twilight whichever is the more restrictive;
9. All arrivals and departures shall take place on the flight path outlined in Figure 1. "Proposed Helipad Site" of the Hegley Acoustic Consultants report dated March 2014;
10. The number of flights per week shall not exceed two (four movements) with no more than one flight (two movements) on any one day;
11. Measurements of helicopter noise shall be carried out in accordance with the requirements of NZS6801:1991 Measurement of Sound;
12. The helipad shall not be used for any helicopter creating noise effects greater than a 'Eurocopter 130' unless it has been demonstrated that the noise will comply with condition 7. above;
13. The consent holder shall require that all pilots using the site, plan routes and fly in accordance with the recommendations of the Helicopter Association International 'Fly Neighbourly' Guide;
14. The consent holder shall at all times ensure that a full and accurate log of helicopter flights is maintained and located on site. The log shall note the type of helicopter, the helicopter operator and the time of flight. This log shall be made available to the Council upon request by a Council officer, within 24 hours of the time of the initial request to view the register;

#### **Review under section 128**

15. Pursuant to section 128 of the RMA the conditions of this consent **may be** reviewed by the Manager Resource Consents at the consent holder's cost:
  - (a) On an annual basis, (or less regular over time) following commencement of consent in order:



- To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on the coastal environment or residential properties in terms of potential adverse noise effects.
- (b) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.
16. The helipad shall not be used for engine testing or flight training purposes.

### Advice notes

1. *The Consent Holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required.*
2. *The Consent holder is responsible for holding a copy of this consent on site at all times during the establishment and construction phase of the activity.*
3. *The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Resource Consent Monitoring Officer – Central ([rcmadmin@aucklandcouncil.govt.nz](mailto:rcmadmin@aucklandcouncil.govt.nz) or phone: 301 0101) and include the following details:*
  - *name and telephone number of the project manager and the site owner*
  - *site address to which the consent relates*
  - *activity to which the consent relates*
  - *expected duration of works*
4. *The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
5. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

**Delegated decision maker:**

Name: Hester Gerber

Title: Team Leader, Resource Consents

Signed: 

Date: 10/07/2015

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